

under 35 U.S.C. §103(a) as being unpatentable over Merriam in view of Murto and Hardouin (U.S. Patent 5,966,655).

Claims 1, 2 and 12 are in independent form. The Examiner rejects Claims 1, 2 and 12 as being unpatentable over Merriam in view of Murto. Merriam discloses a method and apparatus for determining the behavior of a communications device based upon environmental conditions. The communications device disclosed in Merriam contains one or more sensors (which may be mechanical, audio, heat or motion sensors) to control its behavior, for example, its audio alert. Murto discloses a subscriber paging control system and method in a mobile communications system. The system of Murto transmits a paging message from a base station to mobile stations.

The claims of the present application clearly recite that setting information (Claim 1), receiving information (Claim 2), and generating a paging alert class information (Claim 12) of a type and a level of a paging alert tone are processed in the base station and the information is contained in the broadcast channel (BCH) message. These concepts are not taught or disclosed by the cited references. The audio alert of Merriam is wholly processed in the mobile station according to the "sensors" contained in the mobile station. The base station does not contribute to the controlling of the mobile station behavior. Murto does not cure this deficiency, as the information received by the mobile station of Murto is not related to alert tone controlling. Neither Merriam nor Murto, alone or in combination, teaches or discloses the elements contained in the claims. Accordingly, withdrawal of the rejections of independent Claims 1, 2 and 12 are respectfully requested.

Independent Claims 1, 2 and 12 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 3-11 and 13-16, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 3-11 and 13-16 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-16, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining

matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

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